

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
SOUTHERN BENCH, CHENNAI**

**O.A.No. 129 /2020**

K.Sambath ..... Applicant

-Vs-

1. The Member Secretary,  
Puducherry Pollution Control Committee,  
Puducherry.

2. The Secretary,  
Local Administration Department,  
Govt. of Puducherry,  
Puducherry.

3. The Commissioner,  
Puducherry Municipality,  
Puducherry.

4. Kandhan ..... Respondents

**REPLY STATEMENT FILED BY THE 4<sup>TH</sup> RESPONDENT**

1. The address for service on the 4<sup>th</sup> Respondent is that of his Counsel M/s. T.M.NAVEEN, G.SHABNAM & M.GOPI at the Madras Bar Association, High Court, Chennai-600 104, Ph: 9884422653, email - tmnaveen@gmail.com.

2. The 4<sup>th</sup> Respondent respectfully states that he has read the Application filed by the Applicant in the above O.A. and he denies all the material averments, allegations and claims made therein save those that are specifically admitted hereunder.

3. The 4<sup>th</sup> Respondent respectfully states that he denies all the averments, allegations and claims made by the Applicant from Paras-1 to 8 and Grounds-(a) to (j) of the Application filed by him in the O.A., which are contrary to the facts and reasons stated in this Reply Statement, as untrue, incorrect, vague, imaginary, misleading, malafide, and untenable. In view of the facts, reasons and position of law stated in this Reply Statement, the above

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O.A. filed by the Applicant, the main and interim reliefs prayed by him are false, frivolous, vexatious, malafide, illegal, unmaintainable, a clear abuse of law and procedures and the process of this Hon'ble Tribunal and liable to be dismissed.

4. The 4<sup>th</sup> Respondent respectfully states that

(A) the Applicant is an Advocate. He was trying to get a seat from the DMK Political Party and contest as candidate of the said party in the Mudaliarpet Assembly Constituency in the Puducherry Assembly Election 2021. For the said purpose, he was trying to project himself as a popular and influential person among the voting population living in the said Assembly Constituency. Hence, to draw the attention of the people and become popular in the said Assembly Constituency, he has started an association in the name of Kalam Sevai Maiyam and was pretending that he is involved in Social Welfare Activities in the area. As an Advocate, he is appearing in Criminal Cases and hence, always be surrounded by the persons involved in criminal activities. Taking advantage of the same, he and those persons surrounding him, have been indulging in unwanted, unnecessary and superfluous protests on fictitious and frivolous issues and also against the sitting MLA of the said Constituency belonging to the rival AIADMK Political Party and disturbing the peace and tranquillity of the area. A perusal of the records/report of the Mudaliarpet Police Station would reveal the several complaints lodged against him for indulging in such activities and also that he has affected the peace and tranquillity in the area.

(B) Out of the 16 Lakes situated in the Puducherry Region belong to the Public Works Department, Govt. of Puducherry, two lakes viz. Olandai and Murungapakkam (Velrampet) Lakes are situated in the Mudaliarpet Assembly Constituency. The 3<sup>rd</sup> Respondent - Puducherry Municipality has obtained

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concurrence from the Public Work Department and granted Fishing Licenses to the 4<sup>th</sup> Respondent in those two lakes by collecting huge Licence Fees from him. I am also carrying out the fishing activities in those two lakes strictly in accordance with the terms & conditions of the Licence without any complaints either from the supervising officials or the vigilant General Public living in the area till this date. In spite of the same, as another attempt to project himself as a popular and influential person in the Mudaliarpet Assembly Constituency and also for other purposes, out of the 16 Lakes situated in the Puducherry Region, he has left out 14 lakes and Fishing License granted for those lakes and chosen two lakes viz. Olandai and Murungapakkam (Velrampet) Lakes are situated in the Mudaliarpet Assembly Constituency alone and in the false name of saviour of lakes, trying to create false and fictitious issues of violation license conditions etc. and given two false and motivated complaints to the 3<sup>rd</sup> Respondent against the 4<sup>th</sup> Respondent. The 4<sup>th</sup> Respondent reliably understand that after verification by the 3<sup>rd</sup> Respondent and the Public Works Department, it was found that those complaints were false and rejected the same. As the fictitious protests conducted by him and the two complaints given by him to the 3<sup>rd</sup> Respondent have not got desired results to him, as another malafide attempt, the Applicant has made untrue, incorrect, vague, imaginary, misleading, malafide, and untenable averments, allegations and claims and filed the above O.A. before this Hon'ble Tribunal, against the Respondents praying for false, frivolous, motivated, illegal and unmaintainable interim and main reliefs. The Report filed by the Committee constituted by this Hon'ble Tribunal would confirm the same. Therefore, the O.A. filed by him is a clear abuse of law and procedures and the process of this Hon'ble Tribunal and liable to be dismissed with exemplary costs.

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(C) Now, the 4<sup>th</sup> Respondent reliably understands that based on the above false and fictitious activities, the Applicant has shown himself as a popular and influential person in the Mudaliarpet Assembly Constituency, got a seat from the DMK Political Party and contested as its candidate in the Assembly Election held on 06.03.2021 and achieved his purpose stated above.

5. The 4<sup>th</sup> Respondent respectfully states that

(A) there are 16 lakes situated in the Puducherry Region alone in the U.T. of Puducherry viz. (1) Abishegapakkam, (2) Bahour, (3) Embalam, (4) Kirumambakkam, (5) Karaiyabathur, (6) Karikalambakkam, (7) Murungapakkam (Velrampet) (8) Ousteri, (9) Olandai (10) Pillairakuppam, (11) Panaiadi Kuppam, (12) Melsathamangalam, (13) Sandai Pudhukuppam, (14) Sivarandhagampet (15) Thanathumedu, (16) Thirukkanur etc.

(B) Out of those 16 lakes, the Olandai and Murungapakkam (Velrampet) Lakes are situated in the Mudaliarpet Assembly Constituency belong to the Public Works Department, Govt. of Puducherry. These two lakes are situated adjacent to each other separated only by a bund-cum-Thar Road and hence, popularly called as "Twin Lakes". The said bund-cum-thar road is used by the Public. Abutting the eastern bund of the Olandai Lake, the 3<sup>rd</sup> Respondent Municipality has laid a Road and adjoining the said Road, lot of residential houses, schools and colleges are also situated within about 100 Mtrs from the said Lake.

(C) The right to issue Fishing License for fishing in these 2 Lakes are with the 3<sup>rd</sup> Respondent- Puducherry Municipality. The 3<sup>rd</sup> Respondent is obtaining concurrence from the Public Work Department, Govt. of Puducherry and granting Fishing Licenses for fishing in those two lakes by collecting Licence Fees and other tax & charges.

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6. The 4<sup>th</sup> Respondent respectfully states that

(A) in the year 2002-03, the 3<sup>rd</sup> Respondent Municipality has issued Fishing License to him for fishing in the Twin Lakes viz. the Murungapakkam and Olandai Lakes for a period of one year by collecting the Licence Fee. The said License is being renewed subsequently with 10% increase in the Licence Fee every year. Similarly, for the period of 5 years from 01.07.2015 to 30.06.2020, the 3<sup>rd</sup> Respondent Municipality has obtained approval from the Municipal Council and renewed the Fishing License on collection of Rs.15,10,358/- & Rs.2,94,483/- for those Twin Lakes respectively from him. The 4<sup>th</sup> Respondent is carrying out the fishing activities in the said 2 Lakes strictly in accordance with the terms & conditions of the Fishing License issued to him and not violated any condition therein so far. The Officers of the 3<sup>rd</sup> Respondent and the Public Works Department are also strictly supervising fishing operations and the General Public living in the area are also very vigilant. Either those officers or any member of the General Public have not found any violations and made any complaint against the 4<sup>th</sup> Respondent till this date. Only out of the income earned therefrom, the 4<sup>th</sup> Respondent and about 15 families employed by him therein are eeking out their livelihood.

(B) The 4<sup>th</sup> Respondent is maintaining the said 2 Lakes properly by fencing on the road side and ensuring that there are no encroachments made in the said 2 Lakes. Due to the same, the general public are also using appurtenant roads for walking regularly. Further, highly valuable sand is available in the 2 Lakes within 3 feet depth and due to the presence of the 4<sup>th</sup> Respondent and his employees, fishing activities carried on by them in the Lakes and the consequential protection to the Lakes, the valuable sand in the 2 Lakes are effectively protected from sand mafia. Moreover, the natural and abundant growth of water hyacinth plants in the 2 Lakes, is causing damage to

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the water storage, contaminate the water and growth of fish in the Lakes. Hence, the 4<sup>th</sup> Respondent is getting permission from the 3<sup>rd</sup> Respondent Municipality and other Authorities like the Electricity Department by paying the requisite fees therefor, spending considerable amounts, removing the said plants, cleaning the Lakes regularly and preventing the breeding of mosquitoes, harmful insects etc. and consequential pollution in the Lakes.

(C) For the purpose of growing fishes for fishing as per the License, the 4<sup>th</sup> Respondent is only purchasing baby fishes by spending very huge amounts from third parties and leaving in the said 2 Lakes. The fish in the Lakes are growing by eating natural food available in the Lakes themselves. The 4<sup>th</sup> Respondent is not providing any food separately, muchless, prohibited materials, including meat to the fishes as falsely alleged by the Applicant to achieve his purposes. He cannot and he has also not caused any damage or injury to the Lakes and its eco-system at any time and no one has made any complaints to the Authorities till this date except the two false and motivated complaints given by the Applicant for his political purposes. Only on 03.01.2018 i.e. after the Applicant has decided to get seat and contest in the Mudaliarpet Assembly Constituency and started carrying out lot of fictitious protests in the area as stated in Para-4 above, with a malafide intention to spoil the good name of the 4<sup>th</sup> Respondent, create an issue, conduct protests and gain out of the same, dead dogs and pigs were thrown in the Lakes. Immediately, the 4<sup>th</sup> Respondent has spent considerable amount and removed the dead dogs and pigs and cleaned the Lakes. Further, on 03.01.2018 itself, he has given a Complaint to the 3<sup>rd</sup> Respondent, complaining about the said incident and requesting to take necessary action against the miscreants.

(D) Therefore, the 4<sup>th</sup> Respondent is carrying out the fishing activities in the Lakes strictly legally in accordance with the terms & conditions of the

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Fishing License granted by the 3<sup>rd</sup> Respondent to him without any complaints from the officers or the general public. Further, he is carrying out all the activities, including the regular removal of water hyacinth plants and cleaning the water in the Lakes only after informing and obtaining permission from the 3<sup>rd</sup> Respondent and other concerned Authorities. Further, considering the said good conduct of the 4<sup>th</sup> Respondent, the 3<sup>rd</sup> Respondent has obtained concurrence from the Public Works Department and renewed the Fishing Licence to him for the two Lakes from 01.07.2020 to 30.06.2025 by collecting a total Licence Fee of Rs.37,20,599/-. Hence, the two complaints given by the Applicant and all the contrary averments, allegations and claims made by the Applicant in the Application filed in the O.A. are untrue, incorrect, vague, imaginary, misleading, malafide, untenable and liable to be rejected.

7. The 4<sup>th</sup> Respondent respectfully states that

(A) during November & December 2015, the cyclone and heavy rainfall has devastated the Puducherry Region and the bunds of lot of Lakes had breached and become a threat to the life and properties of the people living around those lakes. Hence, as an emergency measure to drain out the flooding water and prevent heavy damages to the life and property of people in the affected areas, on the orders of the Govt. of Puducherry, the Authorities had dug and opened the bunds of the Lakes, released the flooding water and saved the lakes and the people. Due to the same, the fishing activities in those water bodies/lakes had affected and caused loss to the fishing licensees of the same. Further, there was dispute between two groups in fishing in an another Lake. Hence, only to regulate the fishing activities, by Order dt.29.01.2016, the 2<sup>nd</sup> Respondent has ordered the concerned local bodies to refund the money proportionately to all such licencees. Further, in the said Order, it was observed that the water management in the water bodies is affected due to

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auctioning of fishing rights and hence, prohibited the local bodies from auctioning the fishing rights and to use the same only for storage of rain/canal water alone and maintained properly. However, the 3<sup>rd</sup> Respondent Municipality has stated its circumstances and obtained relaxation from the said Order for renewal of the Fishing Licence. The Report filed by the Committee constituted by this Hon'ble Tribunal would confirm the same.

(B) The 4<sup>th</sup> Respondent respectfully states that in view of the facts stated above, even in emergency situations like cyclone, heavy rain fall, flooding of water and threat to the life and property of the people, only on orders of the Govt. of Puducherry, its Authorities would take action to drain out flooding water and prevent heavy damages to life and property by digging and opening the bunds of the lakes, release the flooding water and save the lakes and the people. Hence, the 4<sup>th</sup> Respondent is only a Fishing Licencee and hence, he cannot and he had also not pumped out the water from the two Lakes and let out the water in to the adjacent roads etc. for any purpose, muchless, for carrying out fishing activities. The Govt. of Puducherry and its Authorities would not allow him to do so and as he had not done any such illegal activity, there was no occasion for the Government and its Authorities to take any action against him till this date.

(C) Therefore, all the contrary averments, allegations and claims made by the Applicant in the Application filed in the O.A. are untrue, incorrect, vague, imaginary, misleading, malafide, untenable and liable to be rejected.

8. The 4<sup>th</sup> Respondent respectfully states that the facts and reasons stated above would prove that the 4<sup>th</sup> Respondent is carrying out the fishing activities in the Lakes strictly legally in accordance with the terms & conditions of the Fishing License granted by the 3<sup>rd</sup> Respondent to him without any complaints from the officers or the general public. Further, he is carrying out

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all the activities, including the regular removal of water hyacinth plants and cleaning the water in the Lakes only after informing and obtaining permission from the 3<sup>rd</sup> Respondent and other concerned Authorities. In fact, considering the good conduct of the 4<sup>th</sup> Respondent, the 3<sup>rd</sup> Respondent has obtained concurrence from the Public Works Department and renewed the Fishing Licence to him for the two Lakes from 01.07.2020 to 30.06.2025 by collecting a total Licence Fee of Rs.37,20,599/-. As the two false and motivated complaints given by him to the 3<sup>rd</sup> Respondent have not got desired results to him, as an another malafide attempt, the Applicant has made untrue, incorrect, vague, imaginary, misleading, malafide, and untenable averments, allegations and claims and filed the above O.A. before this Hon'ble Tribunal, against the Respondents-1 to 3 and me, praying for false, frivolous, motivated, illegal and unmaintainable interim and main reliefs. The Report filed by the Committee constituted by this Hon'ble Tribunal would confirm the same. Therefore, the O.A. filed by him is a clear abuse of law and procedures and the process of this Hon'ble Tribunal and liable to be dismissed with exemplary costs. Otherwise, the 4<sup>th</sup> Respondent will be put to substantial injury, irreparable loss, inconvenience, prejudice and hardship.

The 4<sup>th</sup> Respondent, therefore, pray that this Hon'ble Tribunal may be pleased to dismiss the above O.A. with exemplary costs and render justice.

#### **VERIFICATION**

I, S.Candane, S/o. Sathiyarasu, aged about 48 years, residing at Puducherry, do hereby verify the contents of Paras 1 to 8 are true to the best of my knowledge and belief and that I have not suppressed any material facts.

Date : 16.04.2021  
Place: Puducherry

  
The 4<sup>th</sup> Respondent

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**REPLY STATEMENT FILED BY THE 4<sup>TH</sup>  
RESPONDENT**

**Address for Service**

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